

REMARKS:

Applicant has carefully studied the Final Examiner's Action and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Double Patenting Rejection

Claims 1-4 and 6-11 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,778,853 and 6,135,990. The Office states that although the conflicting claims are not identical, they are not patentably distinct from each other because each of the sets of claims are directed towards devices comprising electrodes positioned axially around a non-conducting post.

Applicant respectfully disagrees with the nonstatutory obviousness-type double patenting rejection presented by the Office.

While both the present invention, U.S. Patent No. 6,778,853 and U.S. Patent No. 6,135,990 include sets of claims that are directed towards devices comprising electrodes positioned axially around a non-conducting post, neither U.S. Patent No. 6,778,853 or U.S. Patent No. 6,135,990 describe, "each of the at least three discrete electrodes being circumferential rings disposed to surround the nonconductive core post", as is required by independent claim 1 of the present invention. The claims sets of U.S. Patent No. 6,778,853 and U.S. Patent No. 6,135,990 are not directed toward electrodes which are circumferential rings.

For the reasons presented above, Applicant contends that the claims of the present invention are patentably distinct from the claims sets of U.S. Patent No. 6,778,853 and U.S. Patent No. 6,135,990. Accordingly, Applicant requests that the nonstatutory obviousness-type double patenting rejection of claim 1-4 and 6-11 be withdrawn.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested.

Very respectfully,

SMITH & HOPEN



Dated: March 9, 2010

By: _____

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CERTIFICATE OF ELECTRONIC TRANSMISSION
(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this correspondence is being electronically transmitted to the Patent and Trademark Office through EFS Web on March 9, 2010.

Date: March 9, 2010

/jessica thompson/
Jessica Thompson